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Atorneys for Defendant
DEOLEO USA, INC., formerly known as MED
FOODS, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SCOTT KOLLER, an individual, on behalf of himself, the general public and those similarly situated,

Civil Action No. 3:14-CV-02400-RS

Plaintiffs,

V

DEOLEO USA, INC.; and MED FOODS, INC.

**STIPULATION CONTINUING
PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Defendants

This Stipulation (the “Stipulation”) is made and entered into by Deoleo USA, Inc., by and through its undersigned counsel of record, and by Scott Koller, by and through his undersigned counsel of record.

This Stipulation is made with reference to the following facts:

1. On September 19, 2017, Plaintiff filed a motion for partial summary judgment.
2. On October 3, 2017, Defendant filed its opposition.
3. Plaintiff's reply brief in support of his motion for partial summary judgment is due October 10, 2017.
4. The hearing on the motion is currently scheduled for October 26, 2017.
5. The parties have agreed to mediate their dispute, and have scheduled mediation Judge Infante for November 6, 2017.
6. The parties have agreed to continue Plaintiff's motion for partial summary judgment pending the mediation.

The parties, through their respective counsel of record, stipulate and agree as follows:

7. Plaintiff's motion for partial summary judgment is continued.
8. If mediation is unsuccessful, Plaintiff will file his reply brief on November 16, 2016, and the hearing will take place on December 7, 2017.
9. In accordance with its statements in the Joint Case Management Statement, filed on October 5, 2017 (Dkt. No. 124), Deoleo preserves its right to seek a further continuance of this hearing date depending on the schedule set for class notice.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

/s/

DATED: 10/10/2017

Seth A. Safier
GUTRIDE SAFIER LLP
Attorneys for Plaintiff

/s/

DATED: 10/10/2017

Jeffrey B. Margulies
Stephanie Stroup

1 NORTON ROSE FULBRIGHT US LLP
2 Attorneys for Defendant

3 **PROPOSED ORDER**

4 Pursuant to Civil Local Rule 6-2(a), and **GOOD CAUSE APPEARING THEREFOR**, it
5 is therefore ORDERED that:

6 Plaintiff shall file his reply in support of partial summary judgment by November 16,
7 2017, and the hearing shall be continued until December 7, 2017 at 1:30 pm.

8 **IT IS SO ORDERED.**

9 DATED: _____

10 _____
11 THE HONORABLE RICHARD SEEBORG
12 UNITED STATES DISTRICT JUDGE

13 **ATTESTATION OF COMPLIANCE**

14 I, Seth Safier, am the ECF user whose ID and password are being used to file this
15 document. In compliance with section X(B) of General Order 45, I hereby attest that Stephanie
16 Stroup concurred in this filing.

17 */s/ Seth Safier*